

## Framingham Planning Board

Memorial Building ▪ Room 205 ▪ 150 Concord Street

Framingham, MA 01702-8373

(508) 532-5450 ▪ [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



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### Planning Board Members:

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

### Planning Board Staff:

Amanda L. Loomis, Planning Board Administrator  
Raphaela Morais-Peroba, Communications Outreach Coordinator

## TOWN OF FRAMINGHAM - PLANNING BOARD

### Notice of Decision

### Regarding the Applications of Bethany Health Care for the Property located at

**77/97 Bethany Road, Framingham, MA**

**Decision dated November 7, 2016**

2016 NOV - 9 A 9:10  
TOWN CLERK  
FRAMINGHAM

On September 28, 2016, Bethany Health Care, filed with the Planning Board, and on September 28, 2016, the Planning Board filed with the Town Clerk, for Minor Site Plan Review under Dover Amendment Uses, M.G.L. Ch. 40A, Section 3 for the property located at 77/97 Bethany Road, zoned as Single Family Residential (R-3), and the Framingham Assessor's Parcel ID is 139/42/277/000.

After the notice of the public hearing was published in "The MetroWest Daily News" on September 29, 2016 and October 6, 2016, the Planning Board opened the public hearing on October 13, 2016 at 7:00pm in the Ablondi Room, Memorial Building, Framingham. Continued public hearings were held on October 20, 2016 and November 7, 2016.

On November 7, 2016 the Planning Board **APPROVED** the application for Minor Site Plan Review under Dover Amendment Uses, M.G.L. Ch. 40A, Section 3 for the construction of a 4,600sf activities room addition and associated gardens for the property located at 77/97 Bethany Road and a **DECISION** was filed in the office of the Town Clerk on November 9, 2016.

*Christine Long, Chair*  
**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

**Framingham Planning Board**

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2016 NOV - 9 **Town Clerk Stamp**

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Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**Planning Board Staff:**  
Amanda L. Loomis, AICP, Planning Board Administrator  
Raphaela Morais-Peroba, Community Outreach Coordinator

**TOWN OF FRAMINGHAM - PLANNING BOARD****Notice of Decision**

**Regarding the Applications of Bethany Health Care  
for the Property located at  
77/97 Bethany Road, Framingham, MA  
Decision dated November 7, 2016**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 for the application of Bethany Health Care for Minor Site Plan Review under Dover Amendment Uses, M.G.L. Ch. 40A, Section 3. for the construction of a 4,600sf activities room addition and associated gardens at 77/97 Bethany Road. The opening public hearing was held on October 13, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on September 29, 2016 and October 6, 2016. Continued public hearings were held on October 20, 2016 and November 7, 2016. The Planning Board APPROVED said applications on November 7, 2016 and the decision was filed in the Office of the Town Clerk on November 9, 2016. For additional information please see the Planning Board's webpage at [www.framinghamma.gov](http://www.framinghamma.gov).

***Christine Long, Chair***  
**FRAMINGHAM PLANNING BOARD**

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**DECISION OF THE FRAMINGHAM PLANNING BOARD  
ON THE APPLICATION OF BETHANY HEALTH CARE  
FOR THE PROPERTIES LOCATED AT 77/97 BETHANY ROAD  
DECISION DATED NOVEMBER 7, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)

FRAMINGHAM ZONING BY-LAW

### General Property Information

Project Number: PB-036-16  
Property Address: 77/97 Bethany Road  
Assessor's Information: 139-42-2777-000  
Zoning District: Single Family Residential (R-3)

### Application Information

Application(s): Limited Minor Site Plan Review  
Sections of the Framingham Zoning By-Law under review: Minor Site Plan Review, Section VI.F.2.a  
Date application(s) were filed with the Planning Board: September 28, 2016  
Date application(s) were filed with the Town Clerk: September 28, 2016

### General Project Contact Information

Applicant Name: Bethany Health Care  
Applicant Address: 97 Bethany Road, Framingham, MA01702  
Project Contact Name: Preston Richardson, RA PRA Architects  
Engineer Company: Whitman & Bringham Associates

### Legal Ad & Public Hearing Information

MetroWest Daily News Run dates of the Legal Ad: (14 days prior) September 29, 2016 and (7 days prior) October 6, 2016

Date of opening public hearing: October 13, 2016

Date(s) of continued public hearings: October 20 (continued without testimony), October 27, and November 7, 2016

Applicant's Representatives in attendance at the Public Hearing(s): Preston Richardson, RA, PRA Architects and James Argir, Executive Director of Bethany Healthcare Center

Planning Board members in attendance at the public hearing(s): Christine Long, Chair; Lewis Colten (absent on November 7, 2016), Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti

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### **DECISION OF THE FRAMINGHAM PLANNING BOARD ON THE APPLICATION OF BETHANY HEALTH CARE FOR THE PROPERTIES LOCATED AT 77/97 BETHANY ROAD**

**DECISION DATED NOVEMBER 7, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 (APRIL 2016 PENDING ATTORNEY GENERAL APPROVAL)

FRAMINGHAM ZONING BY-LAW

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Planning Board members in attendance at the public hearing(s): Christine Long, Chair; Lewis Colten (absent on November 7, 2016), Vice-Chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti

## **Planning Board Approval Information**

Date of Plan Approved by the Planning Board: August 19, 2016

### **PROJECT DESCRIPTION**

The Project at 77/97 Bethany Road is a protected use, classified as a Dover Amendment Use<sup>1</sup>. A Project classified as a Dover Amendment Use is reviewed under the Framingham Zoning By-Law with specific review standards set forth in The Planning Board's Administrative Rules and Regulations, Article 20: Regulations Governing Applications for Site Plan Review for Dover Amendment Uses. The Planning Board adopted Article 20 to assist in the review of Dover Amendment Uses since such applications are considered protected uses and are therefore partially exempt from the Framingham Zoning By-Laws under M.G.L. c. 40A Section 3.

The Applicant proposes to construct a 4,600sf activity room, along with residential community gardens and pathways.

### **TECHNICAL REVIEW TEAM MEETING**

On October 6, 2016, the Technical Review Team (TRT) reviewed the project at 77/97 Bethany Road. A summary of the Technical Review Team meeting can be found in the electronic file and the hard copy paper file for the project.

Technical Review Team Members Present: Raphaela Morais-Peroba, Planning Board; Amanda Loomis, Planning Board; Michael Tusino, Building Inspections; Keith Strange, Police Department; Tam Nguyen, Department of Public Works, Engineering; Marianne Iarossi, Community & Economic Development; and Rob McArthur, Conservation Commission

Present for the Applicant: Preston Richardson, RA, PRA Architects and James Argir, Executive Director of Bethany Healthcare Center

### **HEARING**

The Framingham Planning Board held a total of four public hearings during the review of the Project located at 77/97 Bethany Road. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair; Lewis Colten (absent on November 7, 2016), Vice-chair; Victor Ortiz, Clerk; Thomas Mahoney; and Stephanie Mercandetti. During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Preston Richardson, RA, PRA Architects and James Argir, Executive Director of Bethany Healthcare Center.

#### **Summary of Meeting Minutes**

During the public hearing process Preston Richardson and James Argir presented the project details to the Planning Board. Mr. Richardson stated that the project would include a single story addition

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<sup>1</sup> No zoning ordinance or by-law shall...prohibit, regulate or restrict the use of land or structures for religious uses or for educational purposes...provided, however, that such land or structure may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements – MGL Chapter 40A, Section 3 cited in the Planning Board Rules and Regulations, Article 20: Regulations Governing Applications for Site Plan Review for Dover Amendment Uses, October 25, 2015

to be used as a community room, along with landscaped gardens. Mr. Richardson stated that no additional staff would be needed for the expansion of the facility and that the purposes of the addition were to better serve the residents of the facility. The Planning Board requested additional information and/or clarification regarding the following items:

- Stephanie Mercandetti requested an overall site plan to better understand how the project relates to the surrounding buildings and parking lot on the property. Ms. Mercandetti requested clarification regarding the height of the proposed addition in relation to the existing buildings. Mercandetti further requested clarification regarding information that is typically shown on a site plan.
- Lewis Colten questioned Mr. Richardson about the existing and proposed stormwater drainage system on the site. Mr. Richardson stated that the roof run-off would be directed into two rain gardens and briefly summarized the stormwater report that was submitted with the application.
- Victor Ortiz requested clarification as to whether additional parking would be required.
- Thomas Mahoney concurred with Ms. Mercandetti's request regarding a site plan that shows the location of the addition in proximity to the existing buildings. Mr. Mahoney further requested that a zoning table, square footage of the building and the parking count be provided for the Planning Board's review.
- Ms. Long stated that the Planning Board would not be supportive of the requested waivers for the zoning table. Ms. Long directed the Applicant to provide a site plan depicting the proposed building on the site as well as including the zoning table. Ms. Long further explained that the site plan was necessary to provide understanding of where and how the project fits into the overall site.

During the course of the public hearing process the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials and members of the public. Findings made from the application and public hearing process resulted in the development of the conditions contained within this Decision.

## **FINDINGS**

Having reviewed the application, including all plans and reports filed by the Applicant and its representatives, having considered the correspondence from the Conservation Commission, the Department of Public Works, the Department of Community & Economic Development, the Framingham Fire Department, the Department of Inspectional Services (Building & Wire), and the Framingham Police Department within the Town of Framingham that have reviewed the Project, having considered testimony from members of the public, and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections VI.F. of the Framingham Zoning By-Law to the extent required for a Dover Amendment Use under Article 20: Regulations Governing Applications for



minor site plan review for Dover Amendment Uses. Specifically, the Planning Board makes the following findings:

### **1. Section VI.F.6.a Retain Community Character**

According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3 the Applicant is not required to comply with the following provisions:

- 1.1 “Retain Community Character” as referenced in the Framingham Zoning By-Law Section VI.F.6.a.
- 1.2 In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

### **2. Section IV.F.6.b. Traffic, parking, and public access**

According to the Dover Amendment, M.G.L. c. 40A, Section 3 and the Planning Board Rules and Regulations Article 20.3.3.9 the Applicant is not required to comply with the provisions relative to the “Traffic” portion of Section VI.F.6.b of the Framingham Zoning By-Law. In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

#### **2.1 Parking**

- 2.1.1 The total occupant load for the building includes 144 occupants (residents) and 96 employees.
- 2.1.2 The project is required to comply with the Off-street Parking Use category of Licensed Nursing Home which requires 1 off-street parking space per 4 occupants and 1 off-street parking space per 2 employees. The proposed use requires 36 off-street parking spaces for the 144 occupants (residents), plus 43 off-street parking spaces for the 96 employees.
- 2.1.3 The property currently contains 121 off-street parking spaces which will remain post-construction and exceeds the required 79 required off-street parking spaces.

### **3. Section VI.F.6.c. Environmental Impact**

According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.5 the Applicant is not required to comply with the following provisions:

- 3.1 “Environmental Impact” as referenced in the Framingham Zoning By-Law Section VI.F.6.c
- 3.2 In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

#### **4. Section VI.F.6.d. Health**

According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.6 the Applicant is not required to comply with the following provisions:

- 4.1 “Health” as referenced in the Framingham Zoning By-Law Section VI.F.6.d
- 4.2 In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

#### **5. Section VI.F.6.e. Public Services and Utilities**

According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.7 the Applicant is not required to comply with the following provisions:

- 5.1 “Public Services and Utilities” as referenced in the Framingham Zoning By-Law Section VI.F.6.e
- 5.2 In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

#### **6. Section VI.F.6.f Land Use Planning**

According to the Dover Amendment, M.G.L. c. 40A Section 3 and the Planning Board Rules and Regulations Article 20.3.3.8 the Applicant is not required to comply with the following provisions:

- 6.1 “Land Use Planning” as referenced in the Framingham Zoning By-Law Section VI.F.6.f
- 6.2 In accordance with Article 20.3.3 of the Planning Board Rules and Regulations the applicant is not required to address the Traffic Impact Standards, the Environmental Impact Standards, the Fiscal Impact Standards, the Community Impact Standards, Health, Public services and utilities, Land use planning, under Section VI.F of the Framingham Zoning By-Law.

### **CONDITIONS OF APPROVAL**

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town’s By-Laws, relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town’s By-Laws that include Minor Site Plan Review (Sections VI.F) pursuant to the Framingham Zoning By-Laws to the extent required for a Dover Amendment Use under Article 20: Regulations Governing Applications for minor site plan review for Dover Amendment Uses to approve the project as modified during the public hearing process. Said approval from the Planning Board is subject to the following conditions:



### **General Provisions**

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given written notice within not less than 48-hours. If activity on the Property ceases for a period of longer than 30 days, then written notice shall be given within not less than 48 hours to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property in a location that is highly visible.
5. Prior to the issuance of any Building Department permit, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Town Departments in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs and/or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., c. 40A, Section 17. The Applicant shall submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for a Minor Site Plan Review shall lapse within three years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.

10. The failure to comply with the Framingham Zoning By-Laws, Framingham General By-Laws, and/or the terms of this Decision may result in revocation of the permit for Minor Site Plan Review issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the Framingham Zoning By-Law Law to the extent required for a Dover Amendment Use under Article 20: Regulations Governing Applications for minor site plan review for Dover Amendment Uses, Framingham General By-Laws, the Planning Board Rules & Regulations, and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.

#### Site Construction

11. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.
12. Outside construction hours are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.
13. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.
14. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide no less than ten days' advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et seq.
  - a. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department.
  - b. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations.
  - c. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property.
15. The Developer's Blasting Operator shall post a Blasting and/or Compaction Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the



property. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.

16. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified by mail within 500' of the property. The Developer's Blasting Operator shall encourage the abutting properties within 500' of the property boundaries to have their homes inspected at the expense of the Applicant prior to the commencement of blasting and/or compaction. Such reports shall be provided to the Developer's Blasting Operator prior to the commencement of blasting.

#### **Environment**

17. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
18. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
19. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event a multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
20. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
21. The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from getting onto the public way.

#### **Sidewalk/Walkway**

22. The sidewalk and walkways shall be cleared of snow, leaves, and other litter throughout the year. In the event of snow, the sidewalks and walkways shall be cleared within 48 hours of a snow event. Snow shall not be stored on or impede access/use of sidewalks and walkways.
23. Sidewalks throughout the site shall be constructed to be accessible by all pedestrian users.

#### **Special Provisions/Periodic Conformance Reporting and Review**

24. The Applicant shall provide the following performance guarantees for the Project:
  - a. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required.
25. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Work's Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and



electronic formats (PDF and AutoCAD). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham DPW. The plan shall include, but not be limited to, site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off to allow time for DPW review and approval of submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.

## **WAIVERS**

The applicant requests the following submittal waivers for the project at 77/97 Bethany Road.

- Framingham Planning Board Rules and Regulations
  - Section 21.1.1 – Item 8: The project does not impact the existing parking. The Applicant has provided this information and therefore a waiver is no longer requested and/or required.
  - Section 21.1.1 – Item 9: Maximum seating capacity, number of employees, or sleeping units if applicable. The proposed project does not impact the listed item, therefore a waiver is requested.
  - Section 21.1.2 – Item 5: Location of pedestrian areas, walkways, flow patterns and access points, and provisions for handicapped parking and access, and bicycle accommodations. The project does not impact the listed items, therefore a waiver is requested.
  - Section 21.1.2 – Item 6: Locations and dimensions including total ground coverage of all driveways, maneuvering spaces and aisles, parking stalls and loading facilities and proposed circulation of traffic. The project does not include driveways or drives, parking, or loading, therefore a waiver is requested.
  - Section 21.1.3 – Item 1: Existing Conditions site plan, showing the locations of all infrastructure on- and off- site, including sidewalks and roadways which are public and private, square feet and dimensional of all existing buildings on-site, existing off-street parking areas with dimensions of landscaping area. The Applicant requests a waiver from this submittal item due to the limited scope of the project, therefore a waiver is requested.
  - Section 21.1.3 – Item 3: A photometric plan showing both the intensity of illumination expressed in foot-candles at ground level to the property's boundaries and the location, orientation, height, wattage, type, style, and color of outdoor luminaire(s) for all existing and proposed lighting. Photometric plan and details should be designed in accordance the Article 22: Site Plan Review Lighting Requirements, in the Planning Board's Rules and Regulations, herein. The project does not include new lighting related to the review of a Dover Amendment Use project, therefore a waiver is requested.
  - Section 21.1.3 – Item 4: Dimensions of proposed buildings and structures, including gross floor area, floor area ratio, total lot coverage of building, and breakdown of indoor and outdoor floor area as to proposed use. Area dimensions to include Lot Coverage of Building, Paved Surface Coverage, and Landscaped Open Space and Other Open Space, with percentages of these items to be provided and to total 100 percent of the lot area. The Applicant has provided this information and therefore a waiver is no longer requested and/or required.
  - Section 21.1.3 – Item 6: Parking Plan showing the drive aisle widths, turning radius, stall heights and widths, locations of pedestrian and bicycle amenities, and landscaping. The project does not include renovations and/or alteration to the parking lot, therefore the a waiver is requested.
- Framingham Zoning By-Laws
  - Section VI.F.4.a.2 – Written summary of dwelling units, seats, parking, ownership and maintenance. The form of ownership has been provided and other items are not applicable, therefore a waiver is requested.

- Section VI.F.4.a.4 – The Applicant requests a waiver from the submittal of the Urban Design Objectives Narrative, as it is not applicable to the project. Therefore, a waiver is requested from this submittal item.
- Section VI.F.4.a.5 - The Applicant requests a waiver from the submittal of the Management and Low Impact Development (LID) Summary, as it is not applicable to the project. Therefore, a waiver is requested from this submittal item.
- Section VI.F.4.a.6 - The Applicant requests a waiver from the submittal of the Mechanical Equipment summary due to the large site and setbacks to abutting properties and given the location of the proposed work, there will be no impacts on abutters. Therefore, a waiver is requested from this submittal item.
- Section VI.F.4.a.7 - The Applicant requests a waiver from the submittal of the Sewer Report as the project will have negligible impact on existing sewer service infrastructure. Therefore, a waiver is requested from this submittal item.
- Section VI.F.4.a.8 - The Applicant requests a waiver from the submittal of the Blasting Report, as it is not applicable to the project. Therefore, a waiver is requested from this submittal item.
- Section VI.F.4.a.9 - The Applicant requests a waiver from the submittal of the Water Service Infrastructure Report, as the project will have negligible impact on existing water service infrastructure. Therefore, a waiver is requested from this submittal item.
- Section VI.F.4.a.10 – The Applicant requests a waiver from the submittal of the Parking Impact Report as it is not applicable to the project. Therefore, a waiver is requested from this submittal item.
- Section VI.F.4.a.11 – The Applicant requests a waiver from the submittal of the Traffic Impact Report, as it is not applicable to the project. The Applicant has filed under the Dover Amendment Use regulations and therefore a Traffic Impact Report is not requested, therefore a waiver is not requested and/or required.
- Section VI.F.4.a.12 – The Applicant requests a waiver from the submittal of the Environmental Impact Report as it is not applicable to the project. The Applicant has filed under the Dover Amendment Use regulations and therefore an Environmental Impact Report is not requested, therefore a waiver is not requested and/or required.

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant the requested waivers for Section 21.1.1.9; 21.1.2.5, 6; 21.1.3.1, 3, 4, and 6, of the Framingham Rules and Regulations and Section VI.F.4.a.2, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Framingham Zoning By-Law.

**Waiver Requests**

Christine Long.....yes  
 Victor Ortiz.....yes  
 Thomas Mahoney.....yes  
 Stephanie Mercandetti.....yes



## **VOTES**

The Planning Board voted four in favor, zero opposed, and zero in abstention to grant the approval for Minor Site Plan Review pursuant to Section VI.F.2.a of the Framingham Zoning By-Law, Article 20: Regulations Governing Applications for Site Plan Review for Dover Amendment Uses of the Planning Board Rules and Regulations, and M.G.L. c. 40A, Section 3 for the purposes of constructing a 4,600sf activities room addition, landscaped gardens, and walkways at the property located at 77/97 Bethany Road for the property located, zoned Single Family Residential (R-3).

### **Minor Site Plan Review, Section VI.F.2.a of the Framingham Zoning By-Law, Article 20 of the Planning Board Rules and Regulations, and M.G.L. c. 40A, Section 3**

Christine Long.....yes  
Victor Ortiz.....yes  
Thomas Mahoney.....yes  
Stephanie Mercandetti.....yes

By:   
Christine Long, Chair, Framingham Planning Board  
Date of Signature: November 7, 2016

## **EXHIBITS**

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Framingham Zoning By-Laws and Framingham General By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form A – Application Cover Letter, Property Address: 77 Bethany Road, stamped by the Town Clerk on September 28, 2016
2. Form E - Site Plan Review Application, Property Address: 77 Bethany Road, stamped by the Town Clerk on September 28, 2016
3. Letter from Pfeufer Richardson Architects PC, RE: Attached to Form E – Waiver Request, dated September 14, 2016
4. Stormwater Summary for Activities Room Addition at Bethany Health Care Center, Framingham, MA, prepared for Bethany Health Care Center, prepared by Whitman & Bingham Associates, LLC, dated September 13, 2016
5. Site Plans for the project at 97 Bethany Road, Framingham, MA, prepared for Bethany Health Care Center, dated August 19, 2016
6. Drawing No. A0.0 Additional Site Information (1 sheet), prepared for Bethany Health Care Center, prepared by PRA Architects, dated October 14, 2016

7. Bethany Health Care Center Parcel Plan and Additional Footprint Illustration (2 sheets), for the property at 97 Bethany Road, dated October 14, 2016

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Special Permit and Site Plan Review Checklist for Application Submittal, Project/Address: 97 Bethany Road, dated September 28, 2016, stamped with the Town Clerk on September 28, 2016
2. Form A – Application Cover Letter for the property at 97 Bethany Road, Framingham, MA, stamped with the Town Clerk September 28, 2016
3. Form E – Site Plan Review Application, for the property at 97 Bethany Road, Framingham, MA, stamped with the Town Clerk September 28, 2016
4. Email of comment from the Framingham Conservation Commission, Subject: Conservation Review of 97 Bethany Road, dated October 13, 2016
5. Letter of comment from the Framingham Department of Public Works, RE: Activities Room Addition – 97 Bethany Road, Framingham, dated October 24, 2016
6. Correspondence received from ACCELA, from the Department of Community & Economic Development, received on October 31, 2016
7. Correspondence received from ACCELA, from the Police Department, received on October 11, 2016
8. Correspondence received from ACCELA, from the Department of Inspectional Services (Building Department), received on October 7, 2016
9. Correspondence received from ACCELA, from the Fire Department, received on October 18, 2016